

ENTERED

March 30, 2023

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**

ALEX BERNARD JOHNSON,
Plaintiff

v.

JUAN J. NUNEZ et al,
Defendants

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Civil Action No. 1:23-cv-051

OPINION AND ORDER OF TRANSFER

The Court is in receipt of Plaintiff Alex Bernard Johnson's "Complaint for Civil Rights Pursuant to 42 U.S.C. § 1983", filed on March 27, 2023 (hereinafter, Johnson's "Complaint"). Dkt. No. 1. For the reasons provided below, it is **ORDERED** that this case be transferred to the United States District Court for the Southern District of Texas, Corpus Christi Division.

I. Jurisdiction

This Court has jurisdiction pursuant to 28 U.S.C. § 1331.

II. Legal Standard

Pursuant to Section 1404(a) of Title 28, "[f]or the convenience of the parties and witnesses, and in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought or to any district or division to which all parties have consented." 28 U.S.C. § 1404(a). The application of

Section 1404(a) is a two-part process. *In re Volkswagen AG*, 371 F.3d 201, 203 (5th Cir. 2004). A court must first determine if the plaintiff could have filed their complaint in the alternative transferee venue. *Id.* If so, the court must then determine whether the transfer would serve “the convenience of the parties and witnesses” and “the interests of justice.” *Id.*

III. Discussion

Johnson, appearing *pro se*, has filed this prisoner civil rights action pursuant to 42 U.S.C. § 1983. He is currently assigned to the McConnell Unit in Beeville, Texas. In his complaint, Johnson alleges that Defendants conspired against him and intentionally caused him emotional distress at the McConnell Unit. Dkt. No. 1 at 4. He sued various officials who work at that correctional facility, located in Bee County. *Id.*

Bee County is in the Corpus Christi Division of the Southern District of Texas. 28 U.S.C. 124(b)(6) (“The Corpus Christi Division comprises the counties of Aransas, Bee, Brooks, Duval, Jim Wells, Kenedy, Kleberg, Live Oak, Nueces, and San Patricio.”). Neither the parties nor the events that led to the filing of the lawsuit allege any connection to the Brownsville Division of the Southern District of Texas. Accordingly, the interests of justice would be served by a transfer to the Corpus Christi Division of the Southern District of Texas.

IV. Conclusion

For the foregoing reasons, it is **ORDERED** that this case be transferred to the United States District Court for the Southern District of Texas, Corpus Christi Division. The Clerk of Court is directed to **CLOSE** this case in this division.

IT IS SO ORDERED.

SIGNED on this **30th** day of **March, 2023**, at Brownsville, Texas.



Ignacio Torteya, III
United States Magistrate Judge